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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KONINKLIJKE PHILIPS N.V., et al.,

Plaintiffs,

v.

ELEC-TECH INTERNATIONAL CO.,
LTD., et al.,

Defendants.

Case No. [14-cv-02737-BLF](#)

**ORDER GRANTING DEFENDANTS'
MOTION TO FILE PORTIONS OF THE
MARCH 12, 2015 HEARING
TRANSCRIPT UNDER SEAL**

[Re: ECF 126]

On March 12, 2015, the parties in the above-captioned action appeared for oral argument on Defendants’ motion to dismiss. Thereafter, on March 25, Defendants provided notice that they intended to request redaction of the hearing transcript because the parties and Court discussed at the hearing information that had been filed under seal. *See* ECF 124. Before the Court is Defendants’ motion to file eleven portions of the hearing transcript under seal:

Document	Portion of Document Sought to Be Sealed
Hearing Transcript	24:19-23
Hearing Transcript	27:3-14
Hearing Transcript	33:10-24
Hearing Transcript	34:1-6
Hearing Transcript	34:7-15
Hearing Transcript	34:16-36:22
Hearing Transcript	37:3-24
Hearing Transcript	38:9-40:7
Hearing Transcript	47:18-52:1
Hearing Transcript	52:19-54:22
Hearing Transcript	58:11-60:1

Plaintiffs oppose the sealing request, arguing that the redaction requests are overbroad and discuss mostly information that is already a part of the public record. For the reasons below, the Court disagrees with Plaintiffs and GRANTS Defendants’ motion.

Courts recognize a “general right to inspect and copy public records and documents,

1 including judicial records and documents.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d
2 1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a “compelling
3 reasons” standard, which applies to most judicial records, and a “good cause” standard, which
4 applies to “private materials unearthed during discovery.” *Cf. Phillips ex rel. Estates of Byrd v.*
5 *Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of a
6 public hearing transcript must meet the “compelling reasons” standard.

7 Defendants argue that the portions of the transcript they seek to seal “reveal or reflect
8 information derived from exhibits previously ordered to be filed under seal,” Mot. at 1,
9 referencing this Court’s February 10, 2015 Order sealing various exhibits submitted with
10 Defendants’ motions to dismiss. *See* Sealing Order, ECF 98. Plaintiffs make several arguments in
11 response. First, Plaintiffs argue that the information Defendants seek to seal is not the confidential
12 information sealed by the Court, but rather includes non-confidential information derived from
13 those exhibits. Second, Plaintiffs argue that Defendants cannot rely on the Court’s prior rulings or
14 prior declarations submitted in support of their motions as the basis for the requested sealing.
15 Third, Plaintiffs argue that Defendants have not identified any competitive harm that would result
16 from the public disclosure of the specific information at issue. Fourth, Plaintiffs argue that the
17 information Defendants seek to seal “consists largely of . . . publicly available information.”
18 *Opp.*, ECF 129 at 3. The Court ultimately finds these arguments unpersuasive.¹

19 First, the Court has reviewed the specific portions of the transcript Defendants seek to seal,
20 and finds that the information contained within those portions of the transcript directly reference
21 information contained within the exhibits the Court has previously ordered sealed. Specifically,
22 the requested sealing discusses confidential contracts and contractual negotiations between Elec-
23 Tech and Mr. Chen, one of the individual Defendants, including alleged monetary figures, dates,
24 and the purported business relationship between them. The Court ordered sealed the exhibits

25 _____
26 ¹ Defendants moved for leave to file a reply brief, *see* ECF 131, and sought to file that reply brief
27 under seal, ECF 132. This district’s Civil Local Rules do not contemplate the filing of a reply brief
28 in support of a motion for administrative relief. *See* Civil L.R. 7-11(c) (“[A] Motion for
Administrative Relief is deemed submitted for immediate determination without hearing on the
day after the opposition is due.”). The Court DENIES Defendants’ request to file a reply brief in
support of the motion.

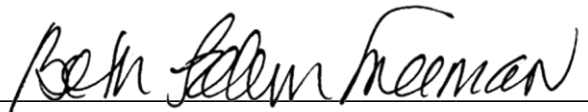
1 which contained this information in its February 10, 2015 sealing order. Second, Defendants have
 2 already made a sufficient showing that there are compelling reasons to seal the information
 3 contained in those sealed exhibits, through the Declaration of Eva Chan submitted alongside its
 4 motion to seal the exhibits. The Court has already found that this information meets *Phillips*’
 5 standard for sealing. *See* ECF 98 at 2-4. This Chan Declaration also identifies the competitive
 6 harm that Defendants would suffer were this information made publicly available. *See generally*
 7 Chan Decl., ECF 97. Finally, the Court disagrees with Plaintiffs that Defendants are seeking to
 8 seal mostly publicly available information. Defendants have narrowly identified the portions of the
 9 transcript they seek to seal – the proposed redactions only encompass as much information in the
 10 transcript as necessary to keep this information about monetary figures, the contract terms, and the
 11 relationship between the parties, from public view. As such, the Court also finds that the
 12 redactions are narrowly tailored consistent with Civil Local Rule 79-5(d)(1)(C).

13 Plaintiffs insist that the information at hand here is a part of the public record of this case.
 14 However, the Court and parties discussed this factual information at oral argument in the context
 15 of the exhibits Defendants filed along with the motions to dismiss – exhibits the Court has found
 16 met *Phillips*’ compelling reasons standard for sealing. As such, the Court GRANTS Defendants’
 17 motion to seal, and ORDERS SEALED the following portions of the hearing transcript:

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25 **IT IS SO ORDERED.**

26 Dated: April 27, 2015

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 28 BETH LABSON FREEMAN
 United States District Judge